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Law and Society: The Justice Divide in the United States

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LAW AND SOCIETY: THE JUSTICE DIVIDE IN THE UNITED STATES

by

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A thesis submitted in partial fulfillment of the requirements
for graduation with Honors in the Sociology

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All requirements for graduation with Honors in the
Sociology have been completed.

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**Law and Society:
The Justice Divide in the United States
Abigail Olson
Honors Thesis
The University of Iowa**

**Submitted to the University of Iowa Honors Program in fulfillment of Designation of
Honors in Sociology of the College of Liberal Arts and Sciences
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Abstract

The combination of the legal profession, individuals' own motivations, and modern day sociological issues is an assemblage of topics that is vastly understudied. This paper unites those themes through a qualitative study of the justice gap in the United States. There is a significant divide between public interest and private sector law with private lawyers largely outnumbering public lawyers, including public defenders. This gap produces inequality in access to justice throughout society. Through a review of the literature, interviews with nearly 20 law students themselves, and an interview with a law school Dean I explore different avenues through which this inequality could have manifested itself, including on an individual level and institutional level. My findings were that individuals' own personal reasons and perceptions—or moral motivations—as well as financial motivations are the two biggest contributors to the justice gap. A surprising finding was that almost all of my interviewees said that, no matter whether private or public law, one of the biggest motivators for them was that in their career they felt they would be upholding social justice and that was vastly important to them. The institution itself did not appear to be an active influencer on what area of law U.S. students are entering into. However, I argue that it is very likely that it does act as an indirect or passive influencer. Looking at all of these possible reasons together, instead of separate, provides a new outlook on how we have studied this topic.

Introduction

The situation in the United States of far less public defenders and public interest lawyers compared to those in private practice law is not a surprising one to most people. However, I was shocked to find just how overwhelming it really is. I discovered that there is immense disparity across legal fields. This disparity creates a number of consequences for society. But why are there so few public interest lawyers to begin with? How do individuals choose which sector of law they are going to enter into? Specifically, I have looked into how individuals' own motivations come into play when making the decision of which area of law to go into.

This is because there are three major causes that I was determined to investigate to see what role, if any, they have in shaping what area of law individuals choose. They are: 1) the individual themselves—their values, ethics, and ideas of social justice; 2) the institution itself—law schools, and 3) money—including public vs. private funding and student loan debt. I used qualitative research methods to help find the answers to my questions. By conducting intensive interviews of nearly 20 law students in their final years of school, I was able to get first-hand knowledge of why they have chosen their current career paths. Patterns that show individual's own personal motivations do play one of the biggest roles in the justice divide. However, unsurprisingly, the data largely kept returning to the topic of money and student debt. After examining the literature and interviewing the Dean of Admissions, I have found that law schools

do not seem to play an active role in directly contributing to the justice gap. However, I argue that they do indirectly influence the quantity of students going into private sector law. The benefit of my research and what will be key is that all three of these reasons do hold merit as being a potential answer to this event and it is important to study them all together instead of individually. We will begin with an overview of the literature surrounding the aspects of this topic. There will be review of key concepts as well as insight to how the literature answers my questions. The remainder of the thesis will delve into the results of my own research and the implications that they hold.

Literature:

Background

According to the American Bar Foundation's 2005 *Lawyer Statistical Report*, only 1% of lawyers work as public defenders and in legal aid. In the same report it states that 75% of lawyers in the U.S. work in private practice law (American Bar Foundation 2012). As many people are aware, in the United States everyone is entitled to be represented in court and if you cannot afford a lawyer one will be appointed to you—a public defender. What many people may not be as aware of is the history behind the right to legal representation. It begins with the Sixth Amendment right to counsel. It states:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. (U.S. Constitution)

However, notice that the Sixth Amendment only applies to criminal cases and it also does not apply to non-felony cases. There have been a number of U.S. Supreme Court cases and rulings that have worked towards the expansion of legal representation but the landmark case that we will reference here is *Gideon v. Wainwright*, 372 U.S. 335 (1963). Before this case, only criminal cases that were capital crimes and not misdemeanors applied under the Sixth Amendment. After this case, from this point on, most all individuals would be able to be provided with a lawyer in criminal cases regardless if they could not afford one (National Right to Counsel Committee 2009). Although there were requirements of public defense prior to this case, the 1960's saw a wave of advocacy for indigent defense across the country due to this

landmark case. Public defense systems vary state to state in the United States. State and local governments can choose from three types of public defense models: “public defender; contract counsel—private attorneys are chosen under contractual terms; or private assigned counsel—private attorneys are court appointed” (National Right to Counsel Committee 2009). The latter two types of public defense are typically used when the public defense office is unable to take any more cases. The funding for these models comes from the state, counties, or a combination of the two (National Right to Counsel Committee 2009).

Public vs. Private Law

It is necessary to examine a few concepts that will be key to understanding the entirety of this project. Although the primary interest of this project will be on public defense law specifically, I have expanded the scope to ‘public interest law’ in general to broaden the results that we will find. It is important to make the distinction between public interest law and private law, especially because they are both broad and the exact definitions of each are continually up for debate. The definition of public interest that we will use is: “Anything affecting the rights, health, or finances of the public at large” (Legal Dictionary 2017). Typically, it can be agreed upon that public interest or public service law is legal work that takes place in legal reform organizations or service agencies. Public interest law is made up of a broad range of practices, including, but not limited to, the following: nonprofit work, public defense, prosecutors, all levels of government, and labor unions (Harvard Law School 2017).

Private law, in contrast, is the opposite of public interest and includes the remaining areas of law that we did not mention under public interest. The definition of private law we will use is: “That portion of the law that defines, regulates, enforces, and administers relationships among individuals, associations, and corporations” (Legal Dictionary 2017). Typically private law is taken to mean law firm jobs or corporate/business law (Law School Numbers 2017). Sometimes the two sectors can intertwine such as with pro bono work (for the public) within law firms. However, for the purpose of this project, we will examine public interest law as distinctly separate from private law.

Returning to our previous statistic from the American Bar Foundation, in regard to private practice law vs. public law in the United States, we find that 75% are in private while 13% are in work that falls under our umbrella of public interest (American Bar Foundation

2012). Although this percentage is not as low as the 1% for public defense and legal aid, we still see an alarming gap between the two sectors.

Policy, Public Defense, and Society

Why do we care about this? What happens in society when there is not enough public legal defense provided to those that need it? What happens when the right is completely denied? I think it is logical for us to conclude that there are in fact negative impacts on society because of this problem. First, it is important to emphasize why we care about the 75% vs. 1% statistic. This gap itself does not suggest a deficit. However, after further research we see that the 1% of public defense lawyers is, in fact, *not enough*. Further, we can then logically conclude that if there were not such a high percentage of lawyers in the private sector, they could instead be contributing to the growth of the public sector. According to the US Department of Justice, “73% of county public defender offices exceed the maximum recommended limit of cases” (Van Brunt 2015). The maximum recommended limit is “150 felonies or 400 misdemeanors” annually and it is shown that in 2009 the annual felony caseload per attorney was “500 felonies and 2, 225 misdemeanors” (Van Brunt 2015). I do not argue that the gap between the public and private sectors of law should necessarily be equal, however, there is sufficient evidence that there currently is a clear deficit.

Looking at the topic in regard to criminal law, there is significant evidence that there is a failure within our U.S. legal public defense system and, in some states and counties, there is evidence that the constitutional right to defense is not being upheld at all. It may be common knowledge to most people that funding for public defense is severely insufficient (National Right to Counsel Committee 2009). According to the report of the National Right to Counsel Committee, due to the lack of funding for public defense in the U.S., “training, salaries, supervision, and staffing of public defender programs are unacceptable for a country that values the rule of law” (2009). There are many cases where defendants are imprisoned but are unable to get an attorney at all. Or when they finally do their attorney is so overworked and overburdened with their caseloads that the representation may be inadequate. The *Justice Denied* report claims that the accused may remain in jail for “weeks to months” before being appointed an attorney and sometimes do not meet their attorney until the day of their trial (National Right to Counsel Committee 2009).

This same report also explicitly asks why should this matter? What is the impact on society? They provide a couple of compelling reasons: wrongful convictions and the public's trust in the justice system. It is argued that (proved) wrongful convictions of defendants have occurred because of poor representation by defense lawyers. Not only is this a horrible outcome that is inflicting on an innocent person's rights but it also means a guilty person has gone free. And the public is left to pay to incarcerate a person that does not deserve to be in jail and who has not wronged society (National Right to Counsel Committee 2009). As to the public's trust in the justice system, the public's general support of public defense seems to be vastly underrated. Politicians often do not want to provide much funding for indigent defense because they assume the public will not support them in that action. However, one study demonstrates that this may not necessarily be the case as the public understands and supports the issue better than was previously thought (National Right to Counsel Committee 2009). According to Goemann, small budgets for public defense give the false illusion that taxpayers are saving money (2008). He states that the opposite occurs because taxpayers are the ones paying for individuals in prisons and jails longer than they need to, having longer court trials than necessary, and causing "high turnover within public defender offices" (Goemann 2008). Goemann's findings are consistent with the findings of the *Justice Denied* report in regard to wrongful convictions and public's trust in the justice system. In sum, by politicians not funding public defense due to fear of lack of public support, the opposite effect may actually be occurring. The public might lose trust in the system due to politicians not supporting the defense of the indigent.

What happens when the right to a speedy and public trial is denied? This right is arguably the most basic and fundamental portion of the Sixth Amendment. According to Justia, "Unlike other provisions of the Amendment, this guarantee can be attributable to reasons which have to do with the rights of and infliction of harms to both defendants and society" (2017). When the right is denied there could be a number of ramifications such as longer prison holding time and unnecessary incarceration before trial, undue anxiety for the defendant, and possible harm to the defendant's case and ability to have the best defense possible (Justia 2017). For example, if there is a significant passage of time before a trial it could lead to the witnesses forgetting testimony or being unable to testify at all. Further, when individuals are held in jail there are expenses to the public as well as oftentimes expenses to support the defendant's families (Justia 2017).

Next we look at literature focusing on the topic in regard to civil law. In an article about the difficulties with access to civil justice and inequality part of its definition of ‘access to civil justice’ is looking at how legal systems do not always facilitate certain groups in getting what they want from the legal system (Sandefur 2008). It looks specifically at legal aid systems and how access to them varies greatly. Sandefur states that scholars have looked into how “fee shifting rules” influence public interest lawyers’ willingness to take some cases. When their client and not a third party pays lawyers it would appear that there are definite links between inequalities in access to lawyers’ services and the lawyers themselves. This comes from the fact that the more “economic or political vulnerability” the lawyer feels and the more poor or low status the client is, the less likely they will have access to services at all (Sandefur 2008). Overall in regard to race, class, and gender inequality, Sandefur concludes that inequality in our society can be reproduced because of a lack of access to civil justice. What this means is that, for example, if someone of lower class goes into a legal situation already feeling like they are unequal and then they are either denied legal aid services or their services are not fully facilitating their interests then it will reproduce that inequality (Sandefur 2008). We can see what a harsh and unending cycle this can create.

Another article by Matt Ford shows us that funding for public interest civil legal services is an ongoing and current problem (2017). The article is about President Trump’s new budget proposal that would eliminate the Legal Services Corporation, which funds legal aid all across the country. Civil legal aid oftentimes faces even harsher funding limitations because of the fact that it is not embedded as a right in the Constitution like criminal law public defense is. But because of this, civil legal aid systems rely very heavily on funding from federal and state government, private funding, or non-profit groups. Cutting public non-profit organizations like the Legal Services Corporation is creating exactly the types of troubles in society that this thesis wants to bring to light. Some legal aid lawyers have said that the work they do is actually a huge money saver for communities in society. For example, one can imagine a scenario where legal aid services gets someone out of a domestic violence situation. In that situation, legal aid services could reduce costs later on for “police officers, the court system, and hospitals for medical care” (Ford 2017).

Eventually the fear is that with this loss of federal funding, legal aid services will no longer be able to represent their client in court but instead would have to switch to measures such

as giving advice to clients to represent themselves in court. The last major negative impact that could be seen from this elimination of legal aid services funding has to do with a negative impact on the private sector itself. When the legal aid systems start to struggle they oftentimes turn to help from private firms that offer pro bono work. However, the more that they have to rely on that the more that it hurts the public and private lawyers' ability to help their clients overall because of both parties being stretched too thin. In Ford's article it is argued, "The pro bono activity facilitated by LSC funding is exactly the kind of public-private partnership the government should encourage, not eliminate" (2017). The bottom line is that millions of low-income Americans could be negatively impacted by this lack of funding for legal aid services.

Furthermore, lack of funding for indigent defense in the United States can lead to severe problems among states and counties, which can lead to a lack of resources and overworked and underpaid attorneys (National Right to Counsel Committee 2009). According to Espeland and Sauder, many law students have an extreme amount of student debt from taking out loans (2016). The funding issue within the public interest realm is a significant concern to students when they already may be in financial trouble before even finding a job post-law school (Espeland and Sauder 2016).

The Individuals' Motivations—Social Justice, Values, and Ethics

Individuals' own values and ethics may come into play when they make big decisions in their lives. This is important to consider and may help to answer our question of why or why not people go into public interest law. But first let me define what I mean by 'ethics' because when dealing with professionals there can be many variations of what is meant by the term. Ethics in this thesis will be defined as: "the discipline dealing with what is good and bad and with moral duty and obligation" (*Merriam-Webster.com* 2017).

For the purpose of this thesis I use the terms ethics and values together interchangeably. The term "value" is a contentious term to define as well. The study of values in sociology has faded "in and out of fashion" over the years (Hitlin and Piliavin 2004). It can have many different meanings (Scott and Marshall 2009) but it is noted that most definitions summarize values as having to do with "norms, individual's attitudes, and goals of action" (Delobelle 1968). I am most concerned with values in the sense of how they produce motivations. There is little recent theory on how values shape behavior (Hitlin and Piliavin 2004). Schwartz (1994) argues that values are not only abstract but can also be motivational. There is debate on the cognitive vs.

emotional structures that values work through, however, we can determine that values lead to action in individuals (Hitlin and Piliavin 2004). They are not the only motivator for action (Staub 1989) and, according to Lydon and Zanna (1990), values can be “related to the commitment individuals maintain in the face of adversity.” Lastly, Staub argues that values and motivations together are just one of “many factors that influence action” and all are important to consider (1989).

Moving back into how this directly relates to defense of the indigent, according to an article by Professor Charles J. Ogletree Jr., the biggest problem with public defense in our society is burnout (1993). He further states that losing public defenders to burnout threatens our justice system itself and the morals it upholds. He believes a solution to this problem would keep defenders in their jobs longer as well as would lead to more law students entering the field in the first place. Professor Ogletree further goes on to attempt to explain the reason for burnout. He states that there is not enough emphasis placed on the motivations for why lawyers defend the indigent. Most legal scholars agree that it is necessary to the system and morally justified by our constitution that criminals deserve legal defense, however, it often ends at that. Professor Ogletree argues that we need to look beyond that at our *motivations*, to prevent burnout in the field (1993).

Using the example of a personal tragedy in his own life, Ogletree admits that at one time his zealous defense of criminals and faith in the system was severely shaken. However, he thinks that every public defender will at some point in their career “face the problem of remaining motivated to represent clients with zeal” (Ogletree 1993). He demonstrates in his article the two motivators that allowed him to “beat” burning out: 1) empathy and 2) heroism. For him empathy surpasses the typical definition and instead means a certain degree of involvement in a client’s life. It means seeing the client as more than just the crime they were charged with and perceiving a “shared humanity” (Ogletree 1993). By gaining this deeper caring for a client it makes it easier to continue to fight for them instead of seeing them just as “rapists,” “murderers,” or whatever heinous crime they have committed. The other component that Ogletree believes helped sustain him was his sense of being the “hero” of the oppressed (1993).

While I do agree with the overall points that this article makes, I argue that the issue is even more multifaceted than Ogletree suggests. Professor Ogletree claims that burnout, i.e. lack of emphasis on motivations, is the single biggest reason for the declining number of public

defense (public interest) lawyers. In this paper, I argue that it is important to study additional factors that may work *together* in order to better understand the lack of public defense lawyers. Specifically, I examine the interplay of money, lack of motivations, and the law school itself as possible contributors. Focusing on only one of these aspects lead to an oversimplification of the problem.

The Institution

One important aspect of this project is the institution itself: law schools. What role—if any—does a law school have in shaping the area of law that students will enter into after graduation? Let us first provide some background on the curriculum of law schools. It is typical that a law school JD program will take three years. In the first year it is common that the courses taken will be similar across the board no matter what law school it is. This is to provide a solid foundation of the legal system, legal writing, and legal reading from the start (Study.com 2017). The usual courses that might be taken in first year law curriculums are: civil procedures, contracts, criminal law, property, torts, and constitutional law. In addition, law schools often encourage students to take courses after their first year that might better prepare them for the bar exam. Lastly, most law schools also have a few other requirements before graduation and all law schools will require an ethics or professional responsibility course (Study.com 2017).

It would appear then, that most U.S. law schools are fairly uniform in their teaching practices and curriculum. However, it is not a secret that many law schools like to claim that they specialize in certain areas of law better than their competitors. There are certainly some schools that identify as or are ranked as the “best schools for public interest law” and some might even have it incorporated into their core mission statement (Weyenberg 2014). For example, preLaw magazine did a ranking of the best public interest law schools and weighted them on three factors: curriculum—including courses, clinical opportunities, and faculty; cost—including tuition, debt, and loan repayment options; and job placement—percentage of graduates in public service or public interest work (Weyenberg 2014).

According to the book *Engines of Anxiety*, there is some data to back up the idea of law schools’ influence in this matter. The authors used qualitative methods such as observational data and over 200 in-depth interviews to study this topic (Espeland and Sauder 2016). They found that law school rankings are a huge factor that can put some pressure on law schools to move away from their ‘missions’ of public interest law because those types of jobs are not valued in

most “top” rankings (Espeland and Sauder 2016). The career services offices of law schools as well have often had to change their strategies and practices due to the added stress (by the rankings) of what their students are doing post-graduation (Espeland and Sauder 2016). This book’s primary focus is on law schools’ rankings and it provides some excellent insight into the law schools’ influence on public vs. private practice law. However, I think that Espeland and Sauder’s study is a rather broad approach at seeing what is going on behind the doors of law schools. I think that it would be useful to directly ask what is happening and figure out definitively if law schools’ influence on students’ decisions are a real concern in today’s society.

Ethical Education

The ethical teaching within law schools is an important area to look deeper into. There has been some research done on ethical education and how individuals are taught about ethics while in law school and that research is highlighted here. Specifically, research done by Julian Webb focused on the problems with the teaching methods and, in part, attributes them to some of the ambiguity surrounding lawyer’s ethical framework (Webb 1998). Research done by Pearce agrees stating, “Moral reasoning has regained respect as a serious academic subject” (Pearce 1998). Pearce has found that instructors and students alike find the teaching of ethics in law school to be unnecessary and impractical for a variety of reasons. He argues, however, that it is of utmost importance. He says it is the *only* subject being taught in law school that every single student will at some point encounter in practice (Pearce 1998). He proposes that there be a required first year course on ethics that would provide a framework of how to think about ethical dilemmas that students can apply throughout their next three years to their other courses (Pearce 1998).

The course titled by most law schools as, *Professional Responsibility* is typically the only “ethics” course in law school. According to the Stanford Law definition the course covers areas that are most common, “such as confidentiality, conflicts of interest, candor to the courts and others, the role of the attorney as counselor, the structure of the attorney-client relationship, issues around billing, the tension between ‘cause lawyering’ and individual representation, and lawyers’ duty to serve the underrepresented” (Stanford University 2016). Some schools have begun to cover more personal topics such as individual’s own motivations of ‘why law’ however, the ethics course in most law schools is more of a “code” and “rules” course than anything else (Stanford University 2016).

A different theoretical perspective on the topic of ethics in law school is research done by Morgan and Tuttle whose focus is on a pluralist society. They state, “client representation is, at its heart, a moral activity” (Morgan and Tuttle 1995). Out of all the research on this topic, Morgan and Tuttle’s research comes the closest to touching on questions that could be applied specifically to public defenders. They ask questions such as: “If visions conflict, whose should prevail? Should the lawyer bracket out her private moral vision and serve as an instrument of the client’s will? Or, should the lawyer represent only those who hold visions of the good compatible with her own,” (Moran and Tuttle 1995). They claim that the legal profession in general answers these questions with lawyers being either “amoral instrument” or an “ethical agent,” (Moran and Tuttle 1995). These models’ validity seems questionable and they do not seem to be supported by any other existing research and so new research looking into the accuracy of these frameworks would be interesting to uncover.

One last viewpoint on this topic includes research done by Rita James Simon, which focused on the effectiveness of curriculum in law schools. This research varies from much of the other current research on this topic in that its methods are quantitative and based on questionnaires (Simon 1966). The research plan is to implement placements of law students so that they could experience “real situations” where questions of “professional responsibility” may arise. The theory behind this is simply that “it is real” (Simon 1966). The questionnaires were given to students who both had and had not participated in the program. The idea was ultimately to learn which students learned more about legal ethics—the ones who had real life practice or the ones who got the normal teaching methods of law schools. The empirical finding of their research is that there was a lack of significant differences between the two groups of students (Simon 1966). This study is somewhat dated—1966—and so similar research on this topic today would be interesting to investigate further.

Returning to work by Charles Ogletree, he argues that the teaching of ethics in law schools needs to change. Lawyers are taught not to empathize with clients but to form a detached professional relationship with them and focus simply on doing the job they are presented with (Ogletree 1993). He notes an important quote: “Lawyers are [presented as] detached partisans, detached both from the client...and from the lawyer’s own values and morals...” (Ogletree 1993). He believes that in order to maintain that motivation to stay in public defense work, empathy with clients is vital and therefore should be more emphasized in law school.

Furthermore, he argues that his second motivating factor, heroism, should also be emphasized more in law school, possibly through clinical work. He does think that professional responsibility can teach these lessons but real world experience is what will really make an impact (Ogletree 1993).

Analysis:

Sample and Methods

For this project, my sample consisted of 18 law students at the University of Iowa College of Law. The students were all in their 2L and 3L years and shared the characteristic that they all were certain what area of law they intended to go into post-graduation. I chose the students in their later years of law school with the thought that those students would have a better idea of what area of law they were committed to practicing as opposed to the younger students. I also wanted to have as strong and homogeneous of a sample as I could since my sample size was smaller. A table with the interviewee's demographic information can be seen below. This project relies on solely qualitative research methods. I conducted intensive, in-depth interviews with each student. Intensive interviews are by definition a "qualitative research method that involves open-ended relatively unstructured questioning in which the interviewer seeks in-depth information on the interviewee's feelings, experiences, and perceptions" (Schutt 2001:265). The interviews lasted in a range from 19:06 minutes to 47:40 minutes. Half of the law students (9) were committed to public interest law and half of the law students (9) were committed to private practice law, i.e. firms, corporate law, etc. I have included in an appendix my 'interview guide' that shows an outline of questions, themes, and objectives for my interviews. However, it is important to note that since this was not a structured interview format, each of my interviews was different from the next and the guide was used simply as an example for me to follow.

The way that I recruited my sample was through the 'snowball sampling' method (Schutt 2001:134). What this means is that after I had my initial student/s I then would ask them to refer me to another person from my population of interest, would talk to them, and then ask them to refer me, continuing this until I reached my target sample size. With snowball sampling the idea is that you may not know exactly how to find the population that you wish to talk to but your interviewee will be familiar with their peers and can point you in the right direction (Schutt 2001: 134). My sample was specific in that I wanted law students in their later years of school that knew for sure what area of law (public or private) they would be entering into after

graduation. Initially, I was put in touch with the law students through a professor at the law school who I previously knew through my other courses. Those students then would put me in touch with their other classmates and so on. I did also talk with another 3L student as a ‘pilot interview¹’ simply to get an idea of who to talk to and what types of questions to be asking. The results of that interview were not officially included as a part of my results. Additionally, I interviewed the Assistant Dean of Admissions at the University of Iowa College of Law. Appendix 4 contains my interview guide for this interview. This interview lasted 22:52 minutes and was much more of a “standard interview” asking my questions in order although I did still allow some probing and follow up questions when the opportunity presented itself (Schutt 2001: 288).

¹ A pilot interview is useful to get an idea of how an actual interview is going to go (Harvard Sociology Department).

Table 1

Interviewee Demographic Information					
	Interviewee	Gender	Year	Age	Ethnicity
Public	1	F	3L	25-34 years old	Caucasian
	2	M	3L	25-34 years old	Caucasian
	3	M	3L	25-34 years old	Caucasian
	4	F	2L	25-34 years old	Caucasian
	5	F	2L	25-34 years old	Caucasian
	6	F	3L	25-34 years old	Caucasian
	7	M	2L	25-34 years old	Caucasian
Interviewees	8	F	3L	25-34 years old	Hispanic or Latino
	9	F	3L	25-34 years old	Caucasian
	10	F	3L	25-34 years old	Caucasian
	11	F	3L	25-34 years old	Caucasian
	12	M	3L	25-34 years old	Caucasian
	13	M	3L	25-34 years old	Caucasian
Private	14	M	3L	25-34 years old	Caucasian
	15	M	3L	25-34 years old	Caucasian
	16	M	3L	25-34 years old	Caucasian
	17	F	3L	25-34 years old	Caucasian
	18	F	3L	25-34 years old	Asian

Results

Part I—The Individuals: Financial and Moral Motivations

After interviewing nearly 20 law students on the topic of this troubling social event, I was both surprised by some of my findings and unsurprised. It will first be beneficial to view *Axial Coding Data Table 2*. As seen below, *Table 2* is a visual representation of each interviewee's own motivators for why they said they are going into their area of law. It provides a summary of what I found in regard to why individuals' own personal reasons might contribute to why or why not they are going into public interest law. It also contains valuable information on other

important motivators for going into public interest law or not, which will be further discussed below. I formatted the table entirely by hand instead of using coding software. Additionally, listed below the table are brief descriptions for each theme.

Axial Coding Data Table

Table 2

Motivators/Why Going into Your Area of Law: Themes													
	Faith	Social justice	Experiences	Story/ social work	It's a calling	Enjoys the work	Own values	Chance	Loan forgiveness	Relaxed work environment	For them -self	Job security	\$
Public	1 X	X	X	X									
	2	X	X		X	X		X					
	3	X		X	X	X							
	4	X		X	X	X	X						
	5	X	X	X	X	X	X	X					
	6	X	X			X	X			X			
	7	X	X			X	X	X	X	X			
	8	X		X			X						
Interviewees	9	X	X	X			X				X	X	
	10	X	X			X						X	
	11	X	X			X	X				X	X	X
	12	X	X			X					X	X	
	13	X	X	X		X	X						
	14	X				X						X	X
	15	X				X	X	X				X	
	16	X	X	X		X						X	X
Private	17	X	X	X		X	X	X					
	18		X			X					X	X	

Faith: The interviewee described her own faith as a “layer” to what her answer would be for why she wants to do what she wants to do. She stated, “Because I believe that I’m equally as...sinful in the eyes of God...part of the motivation is to be able to meet people in that place of brokenness...” (Interview 1).

Social Justice: This theme was broad in that it encompassed a variety of words and phrases used by the interviewees. This was marked as a reason anytime someone mentioned topics like “to better the system,” “to keep people out of prison,” “heroism,” “helping people,” “creating change,” “a feeling of doing good,” and more.

Experiences: This could have two different meanings. I marked this code when an interviewee

either mentioned that 1) his/her *own* experiences shaped their decision to enter their career or 2) experiences of someone close to them may have shaped their decision. Examples of some individuals' own experiences were internships, jobs, "real world experience," and courses taken. An example of an experience of someone else that shaped the interviewee is having a family member who has been in the prison system (Interview 5).

Story/Social Work: This code was using when individuals mentioned that one of the biggest reasons for why they are entering their work were they want to "see the story behind the person." Or "see the story behind whatever it is they are charged with." This code was also used whenever the "social work" or "counseling" aspect of law came up.

"It's a calling." This was used when an interviewee actually said the words, "it's a calling" to describe their reason for entering their line of work. Words and phrases that went along with this were "nobility" and "it's just not for everyone."

Enjoys the work: If an interviewee gave one of their reasons being that they genuinely enjoy the type of work they will be doing in their job that is when this code was used. This could include but is not limited to the time spent in or out of the courtroom, the amount of legal writing in the job, client interaction amount, civil vs. criminal law, litigation vs. transactional work, and public speaking in general.

Own values/ethics: This will vary from person to person but the definition that I explained to my interviewees had to do with the "right" thing to do. For this theme, their own beliefs on what is right and wrong is what either lead them to private/public law or kept them from wanting to do one or the other.²

Chance: They got on their career path with a certain amount of luck or chance with how things worked out for them.

Loan forgiveness: The line of work they are going into had loan forgiveness programs that acted as a reason for why they are doing it.

Relaxed work environment: By this the interviewees meant that their job would (on an average

² Note that none of the interviewees thought the constitutional right to legal representation is "wrong." Many of them mentioned their understanding that it is integral to upholding the justice system itself but that due to their own values they knew it would not be the right career choice for them personally.

day) be something like a 9am-5pm day where they could go home and “leave work at work.” They could spend time with their families and would not have to be so burdened by “billable hours” and “working many weekends.”

For themselves: For purely “selfish reasons.” (Not only to help others.)

Job security: This had two core meanings. Job security could mean 1) always having something to work on and not having any uncertainty if they will continue to be working and 2) having a steady income and secure job for family reasons. Many of the interviewees with a mark for this theme had mentioned job security in terms of their family relying on them to bring home an income and provide for the family.

Money: This code was only marked when an interviewee *explicitly* stated that one of the reasons they are going into their career is because of the salary they will be making or because of their student loan debt amount.

The first unsurprising result is that money came up in nearly every single interview—if not explicitly stated, then implicitly. It is interesting that only three of nine of my private sector interviewees explicitly admitted that they are doing it for money reasons. When discussing the job security theme, many interviewees implicitly discussed the importance of money. Although, many interviewees did not directly say they were doing the job for money it was implied when they stated that they wanted financial job security.

One interviewee who explicitly stated she was going to do her job for the money admitted that corporate lawyers lose a sense of their “morals” by “helping the man” (Interview 11). She further said that she has to justify it to herself stating:

But I’m going to pay back my loans, I’m going to give myself a foundation, get really good training, do pro bono on the side so I don’t lose it completely and then...I’m fine to go do it free of charge to people who really need it so then I won’t have to lay in bed at night and think “at least I’m doing a good thing, but God, I can’t afford it” (Interview 11).

She was the most upfront with me simply stating that she had intentions to do public interest work after law school but, when she got good enough grades to go into big law, her intentions shifted to the most financially secure option for her (Interview 11).

A good example of how finances came into play through job security and families is with interviewee 14. He states: “In terms of public or private I knew I was going to want to go private and the reason for that is, quite simply, I mean if I wasn’t married I’d probably still want to be

working for a public interest group or a government group...” (Interview 14). He went on to explain that him and his wife have dreams of a nice house and kids and the reality is that he needs a reliable job to provide this as well as better pay (Interview 14). *Table 3*, as seen below, holds key information about my interviewees. And specifically, it highlights the accuracy behind the theme of job security.

Table 3

Interviewee Information				
	Interviewee	Male/Female	Job Interest	Job Lined Up?
Interviewees	1	F	Public Defender	N
	2	M	Public Defender	N
	3	M	Public Defender	N
	4	F	Public Defender	N
	5	F	Public Defender	N
	6	F	Public Interest- ACLU, state agency	Clerkship
	7	M	Public Defender	N
	8	F	Prosecutor	N
	9	F	Public Interest	Immigration firm
	10	F	Corporate Law	Financial/corporate firm
	11	F	Corporate Law	Corporate firm
	12	M	Corporate Law	Science technology/ corporate firm
	13	M	Corporate Law	Corporate firm
	14	M	Private Practice	Insurance/corporate firm
	15	M	Private Practice	General litigation firm
	16	M	Private Practice	Private practice firm
	17	F	Firm	Trust/estate firm
	18	F	Corporate Law	Corporate firm

As seen above, all of the private sector interviewees have a job lined up for after graduation. Whereas almost none of the public interest interviewees knew what they were doing post-graduation. This reaffirms the fear many of my interviewees had about job security.

Additionally, one last point to make about finances is that many of the public interest interviewees speculated that they thought one of the main reasons people do not go into public defense/public interest is because of money. And then they would further clarify that money is

not a factor for them in choosing their area of law to go into. One public interest interviewee shared this revealing story with me:

I actually heard someone—I don't know if I should say this or not—when we were walking out of the law school there were these two students behind me and they said something like, “I could never do family law because I only see clients as dollar signs.” (Interview 5).

The interviewee could not believe that someone would say that or even think like that.

Interviewee 1 would agree with this stating she has classmates that have admitted they will do “whatever it takes to make money” (Interview 1). She says it is not a hidden fact nor a shameful fact it is just what it is. Interviewee 5 did regress a bit, however, saying that she does understand that many people have student loans and have to do what they have to do (Interview 5). From my very first interview it became apparent to me that money would be a very important theme. My interviewee stated outright that “the funding issue is the biggest thing” (Interview 1). She thought that the issue is not at all that people do not *want* to go into public defense or public interest but that funding is the problem and she thinks that “is fairly well understood” (Interview 1).

This leads into my next finding which is a debate between public defense jobs being coveted vs. being a job that anyone with a law degree can get. There were mixed feelings among my interviewees about how competitive public defense actually is. Some thought that there are far more individuals that want to be public defenders than will be able to become public defenders (Interviews 1 and 3). While others (Interviewee 2 and 4) thought that it is a job that will be relatively easy to enter into. Interviewee 2 stated, “Public defenders are always hiring. If you want to be a public defender...that's...that's what I'm counting on!” (Interview 2). Going along with this is the topic of stigmas surrounding public defense, which came up in quite a few interviews (Interviews 11, 14, and 17). Interviewee 14 mentioned it the most talking about the shift throughout history of how public defenders have been perceived by society. There was an era in the United States where public defenders were associated with honor which he talked about as the “To Kill a Mockingbird” era. But today public defenders are associated with one of two things: either being “dumb” or being “evil” (Interview 14). Which many interviewees agreed is an unfortunate thing because that is not true but the stigma and lack of prestige that surrounds it can be a big factor for why some people might not want to do public defense work.

Another important factor for determining what area of law individuals' go into that came up in five different interviews was grades. Interviewees stated that some students just simply will not make good enough grades to be offered positions in law firms. And so when students do get the grades to be offered prestigious jobs in the private sector of law it can be tempting to take that position (Interviews 7, 11, 12, 13, and 17).

The last interesting finding that I would like to draw attention to is the social justice theme from *Table 2*. Notice that almost every interviewee except for one, stated in different ways that a big motivator for them was that they felt the work they were going to be doing would be benefiting society in some way. In other words, regardless of whether it is private or public law, most all lawyers feel like they are doing "good" work and that is an important factor to them. This is interesting because it seems to be going against what we expected to find. And it suggests that perhaps there is an outside source that is justifying this for students and making them feel like no matter when they do, they are entering a noble profession that works to uphold justice.

Part II—The Institution

After conducting an interview with the Assistant Dean of Admissions of Iowa Law—in addition to the 18 interviews by Iowa Law students, I felt that I had convincing data on the idea of how much of a role the institution plays in shaping law students' choices. Overall, I *do not* think that most law schools actively influence students to go into one area of law over another. However, I argue that there are most likely indirect ways that the law school plays a role. As seen in *Table 4* below, the majority of interviewees felt that the law school did not actively influence them in going into a certain area of law.

Table 4

	Interviewee	Institution Influence on Area of Law Going Into:	
		Y	N
Public	1		X
	2		X
	3		X
	4		X
	5		X
	6	X	
	7	X	
	8		X
	9		X
	10		X
Private	11		X
	12	X	
	13		X
	14	X	
	15	X	
	16		X
	17		X
	18		X

There were six interviewees that mentioned the concept of the school possibly having influence because of the on campus interviews they put on. They all said something along the lines of it being easier to get a job or internship with a firm because they are the ones that come to you on campus and make themselves known. Whereas with public interest related jobs and internships you are typically the one having to seek that out yourself (Interviews 5, 6, 8, 10, 15, and 17). However, the Dean explained this from an inside perspective. He agrees that the for-profit firms have more of a presence on campus and greater visibility. However, he said the sole reason for this is because they have the budget to conduct these activities. He explained that *they* are the ones who want to come recruit on campus and, at least in his knowledge, it is not the law school

that is directly pushing for the firms to come recruit. Although the Dean admitted that it is good for the law school and so of course they do not have any qualms with the for-profit firms conducting on campus interviews (Interview 19). Therefore, I find that the role of funding, rather than law school policies and practices, encourages students towards private vs. public law.

The Assistant Dean of Admissions gave a couple of initial reasons for why he thought this is such a big issue, with the first being money—including student loan debt. He thinks that many students do want to do public interest work when they enter law school but as their debt increases they change their career path (Interview 19). As to an area of law that Iowa Law is “strong” in he said that “we are strong in public interest but we also have strong corporate law” and so he does not like to define Iowa Law as being strong in only one particular area (Interview 19). He did say that where Iowa Law is strong in public interest law comes from “beyond the classroom stuff” (Interview 19). When asked if schools are changing their missions due to rankings and if ranking influence the push for more students to take on private firm jobs, he stated that this is definitely a possibility, saying, “schools do play to the rankings” (Interview 19). When asked about Iowa Law specifically he said that “here every ambition matters.” He was very adamant that if Iowa Law “ever lost that mission, that goal or that objective as part of our mission...we would have major pushback from the faculty, the students, and the alumni” (Interview 19). Lastly, he said one thing that he thinks is happening or should be happening is that schools should be talking to their students about their strengths and weaknesses for certain areas of law. And in that sense he thinks they should be influencing students into an area of law. But *not* because of the schools’ own personal gain and agenda. As to if that is happening where the school is putting themselves first, he concludes with saying he cannot say for sure but he has not seen it or heard of it happening. He thinks there is definitely an opening for that to be a possibility (Interview 19).

With all of this said, I argue that it is very likely that there *are* indirect and informal ways that the institution influences students to go into private practice law. By assuming a “neutral” stance law schools are choosing to stand by and let the divide between public and private law occur. They do this in a variety of ways. One way is through the large amount of loan debt that many students have when they graduate. The way some advanced education programs, such as for doctorate and PhD degrees, are structured is through funding for the students. Law schools are not structured in this way. The fact that law schools are not actively working against this, or

working in anyway to reduce student loan debt, shows that they are in a way contributing to the financial concerns of students. Furthermore, as previously discussed, these financial concerns can lead students to enter into the private sector of law over the public sector.

Another way in which the law school may be indirectly influencing students is through our idea of ‘social justice.’ Nearly every interviewee felt like the line of work they will be doing fulfills some aspect of upholding justice for society, regardless if they were public or private. Because of this we see that somehow the “shame” or “moral wrongness” of working in private law instead of for the “public good” has been removed. I argue that this happens indirectly through informal means by the law school itself. This is because the law school plants the idea that all lawyers have the “duty” to society to “unlock the law” regardless of what area of law it is. We cannot be certain that the law school is removing shame, as I did not directly observe this occurring while conducting my research. However, due to preconceived notions of how institutions work it is unlikely that the law school does not have any influence at all. Future studies on this would perhaps focus more on the institution and do observational research to see exactly how much of the informal and indirect aspect of law school influence is at work.

In addition to talking to the Assistant Dean of Admissions, I asked law school interviewees if they felt like the law school “pushes” students in one direction or another. There were very mixed results. Some students felt like public interest is more emphasized and some felt like “big law” is more emphasized. Interviewee 5 gave the example that there are only three criminal law classes offered total whereas she felt for civil law there are tons of different courses to take (Interview 5). Others disagreed with this (Interviewees 12, 14, 15, and 16) stating that Iowa Law is “not a ‘big law’ school but is very policy based” and that they offer far less “corporate transactional classes than other Big 10 law schools” (Interview 12). It was also said that “litigation, public defense, legal aid, and public interest” appears to be pushed, again, more so than transactional law (Interviews 14 and 15). And that Iowa Law is more of a “theory” school than it is a “practice” school (Interview 15). Lastly, interviewee 16 thought that the law school might be “indirectly influencing students through course offerings” and he thinks that Iowa Law does appear to be geared more so towards public interest law (Interview 16). This appears to me to perhaps be a case of everyone thinking that their own area of interest is the one that is lacking the most. Looking at statistics, Iowa Law is consistent with the rest of the United States in terms of the percentage of students going where. In 2015, the amount of Iowa Law

graduates going into law firm jobs was 51%. Whereas the percent going into public interest law was 6% (Law School Numbers 2017).

One last idea that I want to touch on is how much emphasis the law school places on *why* individuals go into their area of law and the results of discussing this in my interviews. Ten interviewees (Interviewees 1, 6, 7, 9, 10, 11, 12, 13, 14, and 18) said that they have never had any sort of education discussing the “why” question while in law school, seven interviewees (Interviewees 2, 3, 4, 5, 8, 16, and 17) said that they have never had any sort of education on that while in law school but that there should be, and one interviewee (Interviewee 15) thought that there had been some education on it. However, in this last interview, Interviewee 15 stated that this education was not through the curriculum but was during the first year orientation week talking about lawyers’ role in society and why one might go to law school (Interview 15). In addition, one interview (14) stated that this topic should *not* be incorporated into law schools’ curriculum. He noted that when he took a class last year that tried to incorporate the impact of law on topics like race and poverty, nearly everyone in that class “hated it” (Interview 14). He said they all just wanted to be taught the law so that they could pass the bar exam and did not want to be lectured on any “extra” stuff (Interview 14). I think that is important information because while it might be a good idea to incorporate additional curriculum into law schools in *theory*, if students would not be receptive to it, in *practice* it might not be such a good idea.

However, quite a few students did have ideas on how law schools could change their curriculum and education platforms. Interviewee 3 felt like there should be a first year course about careers in law and then the 3L year should be entirely practical work (Interview 3). Interviewee 17 would agree with this stating it should be incorporated more into the first year to explore interests and the “why” behind what you are doing (Interview 17). Interviewee 8 gave an example that she had taken a “critical race theory” class but that was a class that she was interested in and specifically had to seek out. She stated that it can be very easy to avoid any classes that have any sort of “human element” to them because there are no required classes like that (Interview 8). The overall consensus seemed to be that law school teaches you the law and there is nothing formally taught outside of that having to do with your own motivations or “why.” And if there has been something mentioned on it then it was in workshops or other outside of the classroom settings (Interview 7).

Conclusion

It is fairly common knowledge that the biggest factor in the divide of public vs. private legal services in the United States is funding. However, I argue that the conversation *must not* end here. It is important to look at funding, the individuals, and to look within the system itself to try to explain the inequality. Through our analysis and the research done, we can largely draw the conclusion that money and individuals' own biases about public interest work—or their perceptions of what they will get from that line of work—are the two largest factors for why there may be less public interest lawyers in the United States. The institution itself might appear on the surface to be a contributing factor, but after a deeper look I have found that it is *not* an active contributor to the problem. Instead, it may be indirectly contributing to where students end up in their career.

To explain further what I mean by this, I will go step by step through each factor. First, with money we see the justice gap manifested in many different ways: the lack of funding and resources for salaries within public interest law jobs, the lack of budget for those groups to recruit law students, and the high student loan debt amount that further deters law students from wanting to work in a career that will receive a lower salary. Another aspect of the funding and resources plays into motivations and the burnout rate because when there are less resources for the public interest attorneys to adequately represent someone it can lead to a feeling of low satisfaction in the job. For individuals' own financial motivators I found that the grades students receive and job security—meaning having a secure job both in consistency and financially, are two big factors. As to individuals' own moral motivations for either working in public interest or not, it was clear after my interviews that there are important contributors in this category as well. The most noteworthy of them being the stigma and perceptions of public interest work. Individuals' own values do play a big role in what area of law they go into, but it solely depends on what it is that they personally value and what they are willing to sacrifice for their job. This is because we found that everyone thought his or her line of work was going to contribute to “social justice.” So the biggest indicator of what area of law students are entering into lies more with themselves and what they wish to get out of their career.

Lastly, as to the institutions' role, given the results of my own research I must conclude that the institution *does not* play an active role in shaping the area of law students will enter into. Out of my 18 interviewees I found that a majority—72%—of the students did not think the law

school itself had done much to influence them. My interview with the Assistant Dean of Admissions of Iowa Law further reinforced this as he also did not think the law school played an active role in which area of law students go into, but instead the school is inclusive of all ambitions. As mentioned earlier, the reason that it might appear to be a contributor is because of law school rankings and the higher emphasis placed on private firm jobs for better rankings. In other words, it is the idea that schools could be influencing students to do “big law” because it looks better for them. While there is the potential for this occurrence entering into law schools, at the current time I found that it does not seem like law schools are engaging in this practice on a large scale. I will conclude, however, it is likely that there *are* indirect ways the law school is influencing students. This is through the schools’ neutrality such as by not combatting student debt amounts and by justifying that all areas of law fulfill social justice.

The bottom line is that all of these contributors lead towards the societal development in the United States’ of a lack of public interest lawyers, which has led to significant inequality in access to justice. We have entered into a troubling and repeating cycle where society in some ways has created the very event of unequal distribution of legal representation that certain members of society itself is being negatively impacted by. This is through the causes of funding, perceptions and stigmas, and how the systemic processes are perceived. While this inequality seems to have been around for a long time without much change, I argue that we can always look at in new ways and dig deeper to discover ideas we may not have thought before. Only through continuous dedication and exploration can we attempt to understand.

Methodological Appendices:

It is necessary in this project to include a few appendices that further explain certain aspects of my methods as well as any limitations to the methods.

Appendix 1

One important limitation to my research is that the University of Iowa College of Law was chosen out of convenience and availability. Because there was only one law school studied this could introduce the possibility of an unrepresentative sample. We will assume for the sake of this project that Iowa Law is an accurate representation of many law schools across the nation and that there are no major differences that make it stand out. Ideally, I could have studied a random sample of law schools across the United States.

Appendix 2

A second important limitation to my research is that my sample type was as representative as possible but may not accurately reflect the ideas and values of the University of Iowa College of Law as a whole. Increasing the sample size would be one way to more accurately assure that the sample is representative. I did my best with randomizing the process of finding students to talk to within the law school.

Appendix 3

The following appendix contains my interview guide with Iowa Law students. It is important to note here that after my initial pilot interview (which is not included in this thesis) that I did not conduct any more practice interviews with this guide before beginning my real interviews. This means that with the more practice I had, the interviews towards the end of my sample may have been delivered differently and more comfortably than from the beginning. I do not anticipate that this resulted in any change in the data but as an interviewer I was able to adjust and adapt to my interview guide as I went. The interviews towards the end of my sample felt more natural to me and eventually I no longer needed to look at my notes during the interviews.

Build Rapport:

- Do you mind if I record our conversation?
- Can you tell me a little more about yourself?
 - Do you know what you're doing after graduation yet?
- I can tell you a little bit more about my research question/project...
 - My topic of interest originally revolved around lawyers' ethics, morals, and the implications of how their own values impact society. I then found a gap in the field. According to the American Bar Foundation's *Lawyer Statistical Report*, only about 1% of lawyers work as public defenders.
 - Leads to sociological problems of not having enough public interest attorneys, PD are overworked and underpaid, PD burnout/quit, defendants are held in jail while on a waitlist for a PD, overcrowding in jail systems, longer prison holding time, etc.
 - Why are there so few lawyers in today's society in public interest work?
 - Literature: (From Harvard Law Review) states: "burnout" is the problem and it happens because there is not enough emphasis and research on the motivations for WHY people want to defend the indigent. From one PD's personal experience he says empathy and heroism motivate him. He also thinks law schools should implement clinical teaching that helps students to continue these motivations.
- Before we get started do you have any initial thoughts on the topic?

Data:

- Can you tell me about your journey of finding what area of law you were interested in going into?
- What excites you about law or what lawyers' do/have the opportunity to do?
- What are you getting out of law school?
- Knowing everything that you do now is there anything that you would do differently?
- What would be your second preference for area of law and why? (If you couldn't do *[public interest OR firms/private/corporate law]* for some reason what would you do instead?)
 - Do you have a "backup" job?

- What do you think about the institutions'—law schools'—emphasis (or lack of) on what actually motivates you in law?
 - Do you think they influence students in one direction vs. another at all?

Wrap Up:

- Is there anything else you think I need to know about why people might or might not become public defenders that we haven't already discussed?
- Can you think of any 3L classmates that are also interested in [*public interest law OR firms/private/corporate law*] after graduation that would be interested to talk to me?

Themes to ask about or keep in mind:

American values/rights (or American Dream ideology)

Your own values/ethics of what is right

- Ethics meaning:
 - “The discipline dealing with what is good and bad and with moral duty and obligation”

Parents/family influence

Chance

Money

Law school influence (ethics/Professional Responsibility)

Self and/or others

Specific law school program rankings

Religion/Spirituality/Faith

Hardships/obstacles/other life influencers

The 2 Things I Want to Find Out From My Interview:

1. The motivators for going into a specific area of law
2. Is the curriculum in law schools/law schools themselves contributing at all to the disparity across legal fields

Appendix 4

The following appendix contains my interview guide with the Iowa Law Assistant Dean of Admissions. No pilot interviews occurred for this interview guide.

What I Want to Find Out From My Interview:

- If the law school influences students to go into a certain area of law

- My project:
 - According to the American Bar Foundation’s *Lawyer Statistical Report*, only about 1% of lawyers work as public defenders.
 - Negative impact within society.
 - Why? Law school influence? Interviewed students and some literature but wanted to get thoughts from the law school itself...
- 1. Initial thoughts?
- 2. Would you consider Iowa Law to be known as a “good” law school for any certain area of law in particular? (Public interest, private, or both?)
 - a. Does it have a specialty type of law or program that it’s “known” for?
- 3. Do you think law schools ever change their “missions” because of rankings?
- 4. Do you think debt and/or money is a large factor/the biggest factor in why students might be deterred from public interest jobs?
- 5. In regard to the career services office, do you think that equal focus is placed on public interest jobs vs. private jobs for students after graduation?
- 6. What about with the curriculum—do you think there is an equal balance of courses offered for both sectors of law?
- 7. What do you think about law school rankings such as by US News?
 - a. Do you think that it’s possible that some law schools—possibly indirectly—are influencing what area of law their students go into?
 - i. Are rankings a big part of that?
- 8. Final thoughts?

Appendix 5

Reviewer's Memo

April 2017

I thank my reviewer committee for taking the time to carefully review my paper and for their helpful critique during the defense. There were four major topics discussed during the defense where changes could be made to my paper. I have highlighted those changes and my response to the feedback here:

1. One topic that I have edited was on the 'institution' portion of my paper. I initially found that there was no active role on behalf of the institution that was influencing the area of law that students go into, and so, I concluded in my paper that this was not one of the main contributors. During the defense the reviewers noted that they had skepticism with my conclusion on the institution's role. While they agree that law schools might not be actively influencing this, there are most likely indirect or informal ways that they are. In response to this I have added two paragraphs that regress, stating that there *are* factors that make the law school an indirect influencer. These factors are through the schools' neutrality such as by not combatting student debt amounts and by justifying that all areas of law fulfill the idea of 'social justice.' I address it in my paper in a way that explains there are limitations to my study and we cannot know for sure. I state that future studies might address the institutional level more directly.
2. Another major change made to my paper had to do with the alignment of my core categories. It was noted that there was some confusion about my category of the individuals' ethics and values. It was decided that on the individual level it appears that individuals choose their area of law because of two motivations: financial and moral. In response to this I have realigned this theme to be 'Individual Motivations,' which then incorporates social justice, ethics, values, and more. The exact changes for this were throughout my paper such as a title change, changes in the abstract, introduction, results, and conclusion.
3. The fact that almost all of my interviewees stated that a big motivator for them was that they felt the work they were going to be doing would be benefiting society in some way—or my theme of "social justice"—was an important finding. The reviewers felt that this should be highlighted and brought out more in the front of the paper. In response to

this I added more commentary on why this is important in the results portion of my paper as well as incorporated it into my abstract. This was to ensure that my paper did not read like a “mystery novel” but so that all of my interesting findings could be stated directly and would draw the reader in.

4. The last major topic that needed addressed was the normative language I was using in regard to the justice divide and inequality in access to justice as a “problem.” Instead the review committee suggested I present the facts and state what is happening and then leave it to the readers to decide. In response to this I attempted to remove all of my own suggestions and commentary on what “should” or “should not” happen. I attempted to remove all language that presents my topic as a definite problem so as not to assume that inequality is a problem in everyone’s eyes.

Additionally, a few other changes that I made after the defense included: the track changes made by Professor Haylett, which was mostly grammar and word phrasing changes; added a table for interviewee demographic information; added a paragraph in my literature section addressing the issue of the justice gap itself not suggesting a deficit and added statistical evidence to show why we should care; and reviewed the “After the JD” study from the American Bar Foundation.

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